

Notice of Foreclosure Sale

1. **Property to Be Sold:** The property to be sold is described as follows:

Lots Five (5) and Six (6), in Block Three Hundred Seventeen (317), of Port Bolivar Townsite, a subdivision out of the Samuel Parr Survey, Abstract 162, in Galveston County, Texas, according to the map or plat thereof recorded in Volume 113, Page 1, corrected by map or plat recorded in Volume 212, Page 32, and later transferred to Plat Record 10, Map Number 4, in the Office of the County Clerk of Galveston County, Texas.

2. **Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust, dated April 22, 2013, executed by Christopher M. Smith to Galen D. Birdsong and Lillia Elena Birdsong, and filed of record on April 22, 2013, and recorded as Document Number 2013024086 of the Real Property Records of Galveston County, Texas.

3. **Date, Time, and Place of Sale:** The sale is scheduled to be held at the following date, time, and place:

Date: July 7, 2020

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 1:00 p.m.

Place: First Floor Lobby of Galveston County, Texas Courthouse, 722 Moody (21st Street), Galveston, Texas 77550, or, if the preceding area is no longer the designated area, at the area most recently designated by the Galveston County Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioner's Court, the sale will be conducted at the place where the Notice of Foreclosure Sale was posted.

The Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. **Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

5. **Type of Sale:** The sale is a nonjudicial Deed-of-Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust and security agreement executed by **Christopher M. Smith**.

The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. **Obligations Secured:** The Deed of Trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note dated **April 22, 2013**, in the original principal amount of **\$53,500.00**, executed by **Christopher M. Smith** and payable to the order of Galen D. Birdsong and Lillia Elena Birdsong; and (b) all renewals and extensions of the note. Galen D. Birdsong and Lillia Elena Birdsong are the current owners and holders of the Obligations and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to **Michelle L. Jackson**, the undersigned Attorney and Substitute Trustee for Galen D. Birdsong and Lillia Elena Birdsong, the beneficiaries.

7. **Default and Request to Act:** Default has occurred under the Deed of Trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. **ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF**

ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

EXECUTED this 3rd day of June, 2020.

By: _____


Michelle L. Jackson
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Attorney for Galen D. Birdsong and Lillia
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FILED

Instrument Number: *FILED2020000599*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 06/04/2020 2:49PM

I hereby certify that this instrument was FILED on the date and time stamped hereon
and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink, reading "Dwight D. Sullivan". The signature is written in a cursive style with a horizontal line underneath.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*